

By: Alonzo

H.B. No. 1214

A BILL TO BE ENTITLED

AN ACT

relating to pretrial hearings in criminal cases in certain courts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 28.01, Code of Criminal Procedure, is amended by adding Section 4 to read as follows:

Sec. 4. (a) A court shall set a pre-trial hearing in a criminal case if, not later than the 60th day before the date on which trial commences, the defendant requests the hearing. The court must:

(1) hold the requested hearing not later than the 30th day before the date on which trial commences; and

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case.

(b) The failure of the court to comply with the requirements of Subsection (a) is not grounds for dismissal of a case against a defendant.

(c) The court may not sustain a motion to set aside an indictment, information, or complaint for failure to provide a speedy trial, as described by Article 28.061, based solely on the failure of the court to comply with the requirements of Subsection (a).

(d) This section does not apply to a case in which the offense:

(1) is punishable by fine only;

1 (2) is punishable by a fine and a sanction not
2 consisting of confinement or imprisonment; or

3 (3) is an offense under Chapter 106, Alcoholic
4 Beverage Code, the punishment for which does not include
5 confinement as an authorized sanction.

6 SECTION 2. This Act applies only to a criminal case in which
7 the indictment or information is presented to the court on or after
8 the effective date of this Act. A criminal case in which the
9 indictment or information is presented to the court before the
10 effective date of this Act is governed by the law in effect on the
11 date the indictment or information is presented, and the former law
12 is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2017.